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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,378	04/06/2005	Declan Patrick Kelly	NL 020966	4913

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EXAMINER

HARVEY, DAVID E

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,378	Applicant(s) KELLY ET AL.	
	Examiner DAVID E. HARVEY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8,9 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 10-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/21/2005 and 4/6/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2621

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. The following is noted:

a) To perform trick mode operations, the number of frames in an original normal-play video data stream must be changed with respect to the trick mode stream. For example, to produce a fast forward effect, selected ones of the frames from the original video stream are typically selected and transferred to into the trick mode stream while the frames that occur between the selected frames are typically "discarded".

The examiner also notes that many algorithms exist in the prior art for determining the way in which frames of the original normal play video data stream are to be "**mapped**" (i.e., selected and transferred) to the trick mode stream and the way in which non-selected frames are to be "discarded". U.S. Patent #6,621,979 to Eerenberg as being illustrative of one such conventional **mapping** scheme.

C) Turning to the description and claims of the instant application, it is the examiner's current understating that the disclosed and recited "mapping" scheme is, like that of the prior art, simply an algorithm for determining which frames in the original normal speed video signal are to be selected and transferred (i.e., "**mapped**") into the trick mode data stream and which are to be discarded.

That is, for the purpose of this Office action, the recited "mapping" terminology, and the recited "mapping scheme" terminology, have been interpreted/construed as encompassing any process of selecting video frames that are to be transferred between an original normal play video data stream and a trick mode data stream.

Art Unit: 2621

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In line 2 of claim 8, the meaning/definition of the "Application Information Table" terminology is not clear and is indefinite; i.e., standards change with time. Like clarification is also required in line 2 of claim 16.

Art Unit: 2621

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Document #2002/0133826 to Newman et al.

1. Preface:

See paragraph 2 of this Office action

2. The showing of Newman et al.

As is shown in figure 8, Newman et al disclosed an apparatus (@555) for handling:

A) A digital MPEG video data stream received from a head-end (@ 400) and stored (@550) locally on a PVR (@ 550 and 570);

B) And a related interactive linear application received from a server (@ 200) and stored (@ 560) locally on a PIR (@ 560 and 580).

As described [note paragraphs 0046 and 0047], the apparatus comprises:

A) A first playback means (@ 570) for playback of the digital video data stream from the storage device (@ 550) at a normal linear rate, and for performing various time modification operations, e.g., via various interactive trick modes of operation (i.e., fast forward, rewind, pause), thereby causing the video data stream to be played at non real-time rates [note the last three lines of paragraph 0047]; and

B) A second playback means (@ 580) for playback of the interactive linear application from the storage device (@ 550);

wherein the second playback elements receives video frame marking information from the first playback means for mapping interactive events of linear application to the frame of the video data stream being played back from the first playback means, thereby allowing the second playback means to the same time modification operations as the first playback means.

2. Differences:

Claim 1 differs from the showing of Newman et al only in that claim 1 describes the trick play mode for the data stream as being created using a "mapping scheme" for mapping selected frame of the original video into the trick play stream and for mapping events of the application to the trick play stream.

Art Unit: 2621

3. Obviousness:

The examiner takes Official Notice that it was notoriously well known in the art to have used an algorithm, i.e., a “mapping scheme”, to convert an original normal play data stream into a trick play data stream. The examiner maintains that it would have been obvious to one of ordinary skill in the art to perform the data stream conversion that is required in the system disclosed by Newman et al using such well algorithms in view that:

- a) Newman et al does not disclose the specific as to how the conversion was to be performed and thus relied on the prior art for such details; and
- b) Stream conversion algorithms, i.e., “mapping schemes”, represented the prior art on which Newman et al relied for such details.

The examiner notes that which respect to the modified system, events within the linear application stream would be mapped into the trick mode stream by the same algorithm given the fact that the application stream is lock to the frame markers signal .

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Document #2002/0133826 to Newman et al. for the same reasons that were explained with respect to claim 1. Additionally:

- 1) The recited “means for commencing” by the element the PVR element (@ 570) in figure 5 of Newman et al;
- 2) The recited “means for mapping selected frames” is also by the PVR element (@ 570) in figure 5 of Newman et al;
- 3) The recited “means for mapping events” is met by the PIR element (@ 580) in Figure5 of Newman et al.

8. The following “prior art” is noted:

A) US Patent #5,854,894 to Lancaster et al. has been cited because it described how frames of converted streams must be indexed based on “equivalent frame numbers” [note lines 58-67 of column 4];

B) US Patent #6,065,050 to DeMoney has been cited because it described a system in which a normal-play stream and a trick play stream have been indexed with each other to allow a quick transition between modes.

C) US Patent Document #2002/0009290 to Piesing et al. has been cited because it described a system in which a linear application is associated with video data being played in a trick mode.

C) US Patent #6,970,641 to Pierre et al has been cited because it described a system in which a linear application is associated with video data being played in a trick mode [Note lines 21-67 of column 7].

9. Claims 2-7 and 10-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 7 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DAVID E HARVEY/

Primary Examiner, Art Unit 2621

DAVID E HARVEY
Primary Examiner
Art Unit 2621